

**GOVERNMENT OF TELANGANA
ABSTRACT**

Land Acquisition - Formulation of a Policy called "The Telangana State Policy for Acquisition of Land through Agreement under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013) - Orders - Issued.

REVENUE (JA&LA) DEPARTMENT

G.O. Ms. No.75

**Dated: 05.06.2015.
Read the following:-**

1. The Gazette of India No.40, Dt.27.09.2013 of Ministry of Law and Justice, New Delhi.
2. The Gazette of India, Notification No.2839, Dt.19.12.2013.
3. From the Director, R&R and Land Acquisition, I& CAD Department, Secunderabad, Lr. No.258/35/CRR/2015, dt:18.02.2015.
4. Govt. Memo No.3998/LA/2015, Rev.(JA&LA) Dept. dated:16-5-2015.
5. From the Director, R&R and Land Acquisition, I& CAD Dept. Secunderabad, Lr. No.258/35/CRR/2015, dt:21.05.2015.

ORDER:

Whereas, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) here-in-after called the Act, has been enacted by the Parliament and published by Government of India in the Gazette of India 1st read above and the same has been brought into force w.e.f. 1st January, 2014 vide Notification 2nd read above.

2. And whereas, in the ref. 3rd read above, the Director, R&R, I&CAD Department has sent proposals to the Government for formulation of a Policy to guide and facilitate the District Collectors to acquire lands in strips or pockets which become critical for proper viability of the Project and bring envisaged components of the Project to their logical deliverable stage in any Irrigation Projects or a road work by R&B and land for R&R Centres, through negotiated consent.

3. And whereas, the issue has been examined in detail and a three members Committee consisting of (i) the Director, Resettlement & Rehabilitation and Land Acquisition, I &CAD Department (ii) The District Collector, Mahabubnagar; and (iii) The Special Collector, SRSP, Tarnaka, Hyderabad has been constituted by the Government vide Memo. 4th read above requesting to submit its report to the Government to formulate a Policy u/s 108 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, giving a proper preamble and to frame laws to provide for Consent Award duly defining the parameters including:

- (i) Area under consideration - limits;
- (ii) Percentage of enhancement - limits;
- (iii) Total value of enhancement - limits;
- (iv) Criteria to be adopted by Negotiation Committee in arriving at the recommendation; and
- (v) Residuary powers to be with Government to order for using the powers of negotiation in relaxation of the limits prescribed in (i) to (iii) above.

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4. And whereas, the said Committee submitted its report vide ref. 5th read above and prepared a draft Policy on “ The Telangana State Policy for Acquisition of Land through Agreement under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ”.

5. The Government after careful examination of the matter hereby consider the report of the Committee and decided to issue policy under section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and in consonance with Rule 30 of Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

6. Accordingly, the following notification shall be published in the Extraordinary Issue of the Telangana State Gazette, dated: 05-06-2015.

NOTIFICATION

In exercise of the powers conferred under section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and in consonance with rule 30 of Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 issued in G.O Ms No.50, Revenue (JA&LA) Department, dt:19-12-2014, the Government of Telangana hereby makes the following policy called “The Telangana State Policy for Acquisition of Land through Agreement under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, annexed to this order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

B.R. MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing and Stationary (Printing Wing),
Chanchalguda, Hyderabad. (with a request to publish the
Notification in the Telangana State Extraordinary Gazette
and supply 100 copies of the same).
The Chief Commissioner of Land Administration, Telangana, Hyderabad.
The Director, R&R, I&CAD Dept., Buddha Bhavan, Secunderabad
All the District Collectors in the State of Telangana.

Copy to:

The P.S to Secretary to Hon'ble CM
The P.S to Dy. CM (Revenue)
The P.S. to Prl. Secretary, Revenue Department.
All the Departments of T.S. Secretariat.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure to the G.O Ms No.75, Revenue(JA&LA) Department, Dated: 05-06-2015

**The Telangana State Policy for Acquisition of Land through Agreement under the
Right to Fair Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013.**

Preamble:

“The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) which came into effect from 1-1-2014 envisages that the affected persons in the process of compulsory acquisition should become partners in development in their post acquisition social and economic status. Under the Act, the mandated process has to be followed irrespective of the extent involved ie., whether it is half an acre or hundreds of acres. Further, RFCTLARR act, provides for general award and there is no scope for involving the land loser in fixation of compensation for his/her land under acquisition. In such a scenario, the land loser, even in cases where the expected compensation is slightly higher than that being computed under the new Act, has to seek legal remedy for enhancement of compensation. This puts an avoidable burden on the land loser as well as the appropriate Government. Moreover, in the absence of any provision that allows the appropriate Government to acquire critical parcels of land (though limited in extent ie., minor strip land acquisition to complete a canal network / road network or land for Resettlement and Rehabilitation (R&R) center etc.,) through negotiated consent, even these critical lands would end up in litigation. This is a major issue since, non-availability of even a critical patch of 2 or 3 acres of land can seriously impede the project deliverables and affect the economic viability of the project itself.

In the erstwhile Land Acquisition Act, 1894, there existed a provision to involve the land loser in negotiation of compensation and passing of consent award basing on the negotiations to handle such cases. The RFCTLARR Act, 2013 doesn't provide for any negotiation on compensation with the land loser. However, it has an enabling provision (Sec 108) that allows the State Government to fix a higher compensation than that is calculated as per the Act.

Sec 108(1) of the Act says,

“Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the Acquisition of the land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.”

Government of Telangana has felt it necessary to come out with a policy to facilitate the District Collector (i.e., Appropriate Government) to acquire land through negotiated agreement upto a particular extent in case of acquisition for projects as outlined in the policy and on specific instructions of Government to any extent.

Objectives:

To guide and facilitate the Appropriate Government at the district level to acquire critical extents of land, (within limitations in the policy) , through negotiated agreement.

- (i) To avoid undue time and cost over runs in project completion for want of critical parcels of land.
- (ii) To minimise litigation over compensation, by duly conducting Negotiation and passing consent award.

Applicability of this policy:

- i) Process for land acquisition by agreement shall be initiated by the Land Acquisition Officer (i.e., Collector) based on the request made by the requiring body citing urgent and critical requirement or based on specific orders of State level appropriate Government.
- ii) Land acquisition by agreement under this Policy shall not be used by the appropriate Government at the District level, to procure lands beyond an extent of Ac. 10.00 (ten acres) in strip acquisition, for any canal or bund work in any irrigation project or a road work by R&B.
- iii) Land acquisition by agreement under this Policy shall be resorted upto a maximum extent of Ac. 50.00 (fifty acres) , by the appropriate Government at the District level, in case of land requirement for R&R centers of PDFs in any project.
- iv) Land acquisition by agreement under this Policy as an option to procure up to Ac. 75.00 (seventy five acres) under any project to meet unanticipated requirements that arise at an advanced stage of project completion.
- v) The Negotiation Committee, to be formed as per Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 under RFCTLARR Act 2013, shall negotiate for enhanced compensation in the range of 5 % to 25 % increase on the market value calculated as per sec 26 of RFCTLARR Act 2013.
- vi) Any increase beyond 5 % of market value, agreed by negotiation committee shall be based on specific merits of each case to be recorded by the negotiation committee.
- vii) Differential value (Negotiated compensation - Market value before negotiation) basing on negotiation committee for any particular project shall not exceed Rs.1.00 crore.

- viii) State Government may through an Order authorise the appropriate Government at District Level to resort to acquisition through an agreement in relaxation of the limits prescribed in (ii) to (vii).

OPERATIONALISATION OF POLICY:

In accordance with Rule 30 of Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 made under i.e., A District Level Negotiations Committee will be constituted for operationalisation of the Policy.

I) Constitution of Committee:

There shall be a District Level Negotiations Committee to negotiate with the interested persons and its composition shall be as follows:

- | | |
|--|------------|
| (a) The District Collector of the Concerned District | - Chairman |
| (b) The Joint Collector of the District (or)
Special Collector of the project concerned | - Member |
| (c) Spl. Dy. Collector/Revenue Divisional Officer | - Convener |
| (d) The Executive Engineer of Roads & Buildings/
Panchayat Raj/Irrigation/RWS or any other

(other than requisition department) | - Member |
| (e) Requisition authority from the requiring body | - Member |

II) Procedure to be adopted by the Committee:

- i) Action for negotiation shall commence only after enquiry and determination by the Collector of the market value of the land to be acquired under Sec 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is completed.
- ii) On receipt of application for settlement of compensation, the Convener of the Negotiations Committee shall take further action, after obtaining the consent of the requisitioning department in FORM-I, further action for Negotiations and for final settlement shall be taken.
- iii) The Collector under the Act i.e., Convener of the Committee shall cause Notice in Form-II to be affixed at two or more public places like Gram Panchayat or Chavidi etc., of the village in which jurisdiction the proposed area of acquisition lies and to the persons interested in the land to appear personally or by person authorized by them before such officer as specified at a time and places therein mentioned and to state their willingness or otherwise to settle their claims through the Negotiations Committee. The Collector under the Act i.e., Convener may in any case require such statement to be made in writing and signed by the party or his agent.
- iv) The interested persons may also file petitions suo-motu for settlement of the claims before the Negotiations Committee for settlement of Compensation or for share in the compensation on issue of notice in FORM-II.
- v) In case any person interested is not a Party to such applications, a notice shall be

sent to him by Post in a letter addressed to him at his last known residential address or place or business and registered under Sections 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898).

- vi) Negotiation for settlement shall commence when interested persons or representatives authorized by them covered by a notification give a statement expressing willingness for settlement by Negotiations Committee and when the requiring body files a written request in Form-I before the District Collector and the Chairman. District level Negotiations Committee to pass the Award through the Negotiations Committee.
- vii) Every Person required to make or deliver a statement under this policy shall be deemed to be legally bound to do so within the meaning of Section 175 and 176 of the Indian penal Code (4 of 1860).
- viii)
 - (a) The Collector under the Act i.e., Convener shall place all connected records of enquiry, valuation statements and other relevant records duly verified by him before the Negotiations Committee for its verification.
 - (b) The Convener of the Committee may issue a notice to the interested persons for filing any statement or to say anything in person.
 - (c) The Negotiations Committee may take up local inspections where deemed necessary.
- ix) conduct of the business by the Negotiations Committee will be as follows:-
 - a) The Chairman may preside or authorize any other senior member to preside over all meetings of the Committee (except the final meeting).
 - b) The Committee shall hold meetings with the persons interested or with persons authorized by them. The persons so authorized shall not have any political affiliations.
 - c) The Chairman or the Convener shall fix the date, time and place of the meetings.
 - d) The Committee shall consider and convene meetings at the Mandal Headquarters or villages or wherever deemed necessary.
 - e) The Negotiations Committee shall receive further statements of claims in writing that may be submitted to the Committee.
 - f) The Committee may hear any oral representation made in respect of any claim by the interested persons or their authorized representatives.
 - g) The proceedings or deliberation of the Committee pertaining to the claims of compensation shall be recorded.
 - h) The final meeting in which negotiation or settlement is confirmed shall however necessarily be presided over by the Chairman.
 - i) Agreement in Form-III shall be attested by all the members in the final meeting.
 - j) After Form-III is attested, Convener shall obtain affidavits from concerned interested persons on the same day in Form- IV.
 - k) Although the Negotiations Committee will hear the farmers, and other parties interested in the lands, it will however discourage middle-men or advocates in the negotiations to ensure that the interests of the pattedars are protected and compensation payable goes only to concerned pattedars/interested persons.
 - l) The Negotiated Value as agreed to before the Negotiations Committee shall not be more than 25 % increase on the market value of and calculated as per sec 26 of the LARR act.
 - m) The increase from 6% to 25 % shall depend upon merits of each case, agreed by negotiation committee shall be based on specific remarks of each case to be recorded by the negotiation committee.

- n) Where the negotiation is reached, the Collector under the Act after executing agreements in Form-III and IV shall pass the Award under the Sec 30 of the Act duly replacing the market value with Negotiated value (in serial numbers 6 & 7 of First Schedule of the Act) as arrived above. In the award to be so passed apart from other material facts the Collector under the Act shall specifically mention the total compensation agreed upon and terms and conditions of the agreement arrived at in Form -III. For e.g.,

Final award in Rural areas (S.no.5 under column (2) of First schedule of act: **Negotiated value** plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium

Final award in Urban areas (S.no.5 under column (2) of First schedule of act: **Negotiated value** plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium

- x) a) The Quantum of compensation, as arrived at the interested persons and requisitioning department before the Negotiations Committee shall be Package deal inclusive of market value/ additional market value/ solatium/ cost of the damages/valuation of structures/trees and interest etc., as are allowed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Government Orders.
- b) If there is delay in payments after settlement as per package deal, interest as provided under Sec 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall be paid from the due date.
- xi) If the negotiation fail, the Collector under the Act shall proceed further in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and shall not take into cognizance the deliberations of the Negotiations Committee for taking further action.
- xii) After negotiated settlement the Award shall be passed by the Collector under Sec 30 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and it shall be final. **No further reference under Sec 64 of the Act or any claim for higher compensation shall be preferred by the Awardee.**
- xiii) This Policy does not envisage any negotiation in R&R entitlements and it shall be strictly as listed in Second Schedule and Third Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
- xiv) The Government may from time to time issue such guidelines or executive instructions as may be deemed necessary.
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FORM No. I

To

The District Collector and Chairman,

District Level Negotiation Committee

The Convenor and Land Acquisition Officer

_____.

Sir,

It is, hereby, informed that a notification Sec 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was duly published at page _____ of part _____ of _____ Gazette dated _____ for acquiring the land in S .No. _____ measuring an extent of _____ acres of _____ village in _____ Mandal of _____ district for _____.

It is requested that the above lands may be acquired by arriving at a quantum of compensation through Negotiation u/s 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Requisitioning Department of authority

FORM-II

Notice calling for claims for settlement through Negotiation Committee

It is hereby informed that the land specified _____ at Survey Nos _____ Measuring _____ Acs _____ in the village of _____ in the Mandal of _____ in the district of _____ in the State of Telangana is needed for a public purpose for _____. In accordance with the notification under Sec 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) published by Government at page _____ of part _____ of the _____ Gazette, dated _____.

All persons interested in the land should appear personally or by person authorized by them before the Negotiation Committee on _____ at _____ at _____ (time) and to state their willingness to settle their claims through the Negotiation Committee.

CONVENER NEGOTIATION COMMITTEE

FORM-III

Agreement to be executed when land is acquired for public purposes through negotiation for better compensation between the person interested and the requiring body u/s 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013).

An agreement made this _____ day of _____
20_____ between _____ hereinafter
called the "Owner" (Which expression shall unless repugnant to the context or meaning there of
include his heirs, executors and administrators) and _____
hereinafter called the "Interested party" (Which expression shall unless repugnant to the context
or meaning thereof include their successors and assignees (to be scored out if there is no
interested party on the one part) and the Government represented by _____
(Collector) hereinafter called the "Government" on the other part and attested by Negotiations
Committee.

AND WHEREAS the right, title and interest of the owner/owners and the interested party/parties in
the following land/ lands hereinafter called the said land / lands is/ are as specified below:

A: Persons being the absolute owner/owners of the Property or having an interest therein capable
of leading ownership ultimately hereinafter mentioned and hereby conveyed in the following
shares, that is to say:

(1) _____ S/o _____ Share _____

(2) _____ S/o _____ Share _____

(3) _____ S/o _____ Share _____

B: Where the land/lands are held by the interested party /parties under the owners named herein
above with respective terms and nature of interest:

(1) _____ S/o _____ Definite

Term and nature of interest _____

(2)) _____ S/o _____ Definite

Term and nature of interest _____

(3) _____ S/o _____ Definite

Term and nature of interest _____

C: **AND WHEREAS** the said land/lands have been notified Sec 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) under Notification No. _____ Dated _____ published on _____ and under Sec 19 of the said Act under Declaration No. _____ dated _____ Published on _____.

AND WHEREAS the owner and the interested party and the acquiring body agreed for payment of compensation at _____ as a _____ package deal for _____ an _____ extent covering Acrs _____ in _____ (vlg) _____ (Mandal) _____ (District). The package deal represents the Market value of the land including structural value and tree value, solatium as per Schedule-I of the Act and interest if any (up to the date of payment of 1st installment) and also apportion the same between themselves as herein after provided.

AND WHEREAS the owner/ interested parties have no intention to raise any dispute with regard to the contents and manner of this Agreement and the owner/interested parties have no intention of making a reference to any court or authority, as far as the compensation, contents and manner of this Agreement are concerned.

Signatures of the owners/interested parties

FORM-IV

Affidavit to be executed by the interested person before the Collector under the Act under Rs.10/-
Non-Judicial Stamp paper.

I/We, Sri/Smt./Kum _____ S/o, W/O, D/O _____
owner/owners of the land in S.No. _____ of Village _____,
Mandal _____, _____ District, hereby agree for the acquisition of
my/our land by the Collector for the purpose of _____.

I/We solemnly affirm that I/ We am/are the absolute owner/owners of the land mentioned above
and the land is not encumbered. The compensation payable for this land may be paid to me/may be
paid to _____.

I/We am/are agreeable to the payment of compensation at the rate of Rs. _____ per acre
which was offered by the Collector/ Negotiation Committee.

I/We am/ are also agreeable for the payment of compensation for the trees, the structures in the
land proposed for acquisition which are valued at Rs. _____ by the Collector. I/We am/are
agreeable to accept Rs. _____ being the total compensation payable towards my/ our share
as per the package deal arrived at through settlement by Negotiation Committee.

I/We hereby declare that I/We will not claim for payment of higher compensation in any court of
law or in any other forum and I shall abide by the Award made by the Collector under Sec 108 of
the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and
Resettlement Act, 2013.

Apart from the package deal I/we agree to abide by other terms and conditions as per the
agreement deed entered into by me/us with the Collector (duly attested by the Chairman of the
District Level Negotiation Committee.)

Signature and date of interested person.

Attestation of Collector:

Name and Designation: